

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DOC. FEE NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
09725.0013USC1			Juliet Caroline Switzer	1634

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV321729932US  
Date of Deposit: January 8, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Teresa Anderson  
Name: Teresa Anderson

22387 U.S. PTO  
10/754846  
010804

CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a continuation application under 37 CFR § 1.53(b) of Serial No. 09/202634, filed on March 3, 1999, which is a 371 of PCT/EP97/03187 filed 18 June 1997, entitled OZONE-INDUCED GENE EXPRESSION IN PLANTS:

1. ☒ Enclosed is a copy of the prior application; including the specification, claims, drawings, a signed oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 37 pages of specification, 37 claims, 1 page of abstract, 2 sheets of drawings, and 4 pages of oath or declaration.
- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
2. ☒ Cancel original claims 2-33 and 35-37 of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

3. ☒ The filing fee is calculated below:

**CLAIMS AS FILED**

NUMBER FILED	NUMBER EXTRA		RATE	FEE
TOTAL CLAIMS: 2 -20	0	x	\$18.00	0.00
INDEPENDENT CLAIMS 1 -3	0	x	\$86.00	0.00
			BASIC FILING FEE:	\$770.00
			TOTAL FILING FEE:	770.00

- ☐ Small entity status is claimed pursuant to 37 CFR 1.27.

4. ☒ Payment of fees:  
☒ Attached is a check in the amount of 770.00  
☐ Please charge Deposit Account No. 13-2725.
5. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.
6. ☒ Amend the specification by inserting before the first line of the first page the paragraph:  
  
"This application is a continuation of application Serial No. 09/202634, filed March 3, 1999, which is a 371 of PCT/EP97/03187 filed 18 June 1997, which application(s) are incorporated herein by reference."
7. ☒ A set of formal drawings (2 sheets) is enclosed.
8. ☒ Priority of application Serial No. 196 25 330.6, filed on 25 June 1996 in GERMANY, Priority of application Serial No. 196 25 347.0, filed on 25 June 1996 in GERMANY, Priority of application Serial No. 196 35 569.9, filed on 02 September 1996 in GERMANY, Priority of application Serial No. 196 54 574.9, filed on 27 December 1996 in GERMANY is claimed under 35 U.S.C. 119.
- ☐ The certified copy has been filed in prior application Serial No. , filed .
9. ☒ The prior application is assigned of record to GSF - FORSCHUNGSZENTRUM FÜR UMWELT UND GESUNDHEIT GMBH located at Ingolstädter Landstrasse 1, D-85764 Oberschleißheim GERMANY and BAYER AG D-51368 Leverkusen GERMANY.
10. ☒ The Power of Attorney in the prior application is to:  
  
Merchant & Gould P.C.  
Minneapolis, MN 55402-2215
11. ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)


- ☐ Fee for excess claims is attached.
12. ☐ A petition and fee has been filed to extend the term in the prior application until . A copy of the petition for extension of time in the prior application is attached.
13. ☐ The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:
14. ☐ A Nonpublication Request under 37 CFR 1.213(a) is enclosed.
15. ☒ Also Enclosed: Information Disclosure Statement, Form 1449, Application Data Sheet (6 pgs), TREATY ON INTERNATIONAL COLLABORATION REGARDING PATENTS; INTERNATIONAL, PROVISIONAL EXAMINATION REPORT (NEW CLAIMS 1-37), COMMUNICATION PURSUANT TO 37 CFR §1.821(e), COMMUNICATION REGARDING SEQUENCE LISTING
16. ☒ Address all future communications to the **Attention of John J. Gresens** (may only be completed by attorney or agent of record) at the address below.
17. ☒ A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300



Date: January 8, 2004

  
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John J. Gresens  
Reg. No. 33,112  
J. Gresens:mmm